

Faulk, Camilla

From: Connie Jackson [cjackson@ruralresources.org]
Sent: Tuesday, May 03, 2011 10:34 AM
To: Faulk, Camilla
Subject: Protest of CrR 4.11

Please add my name to the list of people opposed to CrR.11. I am opposed for the following reasons:

1. The proposed rule would not allow a witness to object to audio taping or verbatim transcription of counsel interviews. This brings an issue of privacy rights for the crime victims. The recording of an interview is not a requirement for a successful witness interview. Washington State's current public policy with regard to the a person's right to object to electronic recording, should be applied to all witness interviews, prosecutors and defense. See RCW 9.73.030(1)((b) The law is not clear on the point of a witness interview being a "private" conversation, but we know that it is not a "public" conversation, and the witness/and/or victim should be respected with the ability to object to a recording.
2. Respecting the crime victim's right to consent to recording is supported by the language of Article 1, Section 35 of the Wa. State Constitution, which demands that crime victims be afforded "due dignity and respect". Our State Statutes also instruct prosecutors and judges to protect the rights of crime victims, See RCW 7.69.010.
3. We know that a witness/victim may be re-victimized by the interview itself due to the personal nature of the topics being discussed. Cases involving sexual and physical abuse bring up matters that are deeply personal, private and traumatic. Creating an audio or verbatim recording of these events in a person's life would surely re-traumatize them, and the recording is unnecessary for purposes of criminal discovery.
4. Many victims of crime, especially family violence cases, are indigent and will not be able to afford to get a copy of their recorded interview. This proposal could result in the defendant ending up with the sole control and the only copy of the victim's statements, which will just exacerbate the power and control dynamics in family violence cases.
5. Lastly, there is nothing in this proposal requiring rules addressing minimum standards of accurate recording and interview practices. Pre-recording conversations or partial recordings are all issues that need best practice models in creating useful and reliable records. These need to be established.

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